



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200400073

Date: March 17, 2004

Comments Due: April 16, 2004

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Rehrmann dock and retaining wall project, which would result in impacts to approximately 0.01 acres of waters of the United States, in the Sacramento River. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/cespk-co/regulatory/PNs/index.html>.

AUTHORITY: This application is being evaluated under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: George and Donna Rehrmann
7799 Enterprise Drive
Newark, California 94560-3408
510-574-0570

LOCATION: The project site is located in Township 4 North, Range 3 East, near Isleton, Sacramento County, California, and can be seen on the Isleton USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct a dock and landing structure for private recreational use and a retaining wall for erosion protection. The concrete landing and gangway/pier measures 10-foot by 52-foot. The proposed dock measures 48-foot by 26-foot and will contain one 16-foot by 40-foot slip. The floating portion of the proposed structure would be anchored by ten 12-inch diameter steel pilings. Additionally the applicant proposes to install a 107-foot retaining wall on the Sacramento River side of the property to protect it from erosion. See enclosed drawing depicting the project. The applicant's stated project purpose is to provide mooring for private recreational water craft for the property owner and erosion protection for the proposed new residence. The applicant believes there is a need to provide boat moorage and erosion protection at the proposed site of a new private residence. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. The site is located on Long Island near the west bank of the Sacramento River and is characterized by riparian vegetation and a rip-rapped levee. The project is located in an agricultural area downstream from the City of Isleton.

Alternatives. The applicant has not provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to purchase mitigation bank credits for the loss of shallow water habitat (SWH) at a 3:1 ratio. The proposed project would impact approximately 0.01 acre of SWH the applicant is proposing to purchase 0.0325 SWH credits at Wildlands' Kimball Island Mitigation Bank.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the California Regional Water Quality Control Board is required for this project. The applicant has indicated they have applied for certification. Additionally the applicant has applied for California Department of Fish and Game 1603 Streambed Alteration Agreement, California State Lands Commission, Recreational Pier Lease and California State Reclamation Board, Encroachment Permit.

HISTORIC PROPERTIES: No cultural resources are present in the area of potential effect for the project. If unknown cultural resources are discovered, the Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

ENDANGERED SPECIES: The following federally endangered species may be present in the permit area: Sacramento River winter-run chinook salmon (*Oncorhynchus tshawytscha*), Central Valley spring-run chinook salmon (*Oncorhynchus tshawytscha*), Central Valley steelhead (*Oncorhynchus mykiss*), Delta smelt (*Hypomesus transpacificus*), valley elderberry longhorn beetle (*Desmocercus californicus dimorphus*). The proposed activity may affect federally-listed endangered or threatened species or their critical habitat. The Corps has initiated consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act.

ESSENTIAL FISH HABITAT: The proposed project may adversely affect Essential Fish Habitat. The Corps has initiated consultation with the National Marine Fisheries Service, pursuant to Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue

from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230), or of their criteria.

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200400073, must be submitted to the office listed below on or before April 16, 2004:

William Guthrie, Project Manager
US Army Corps of Engineers, Sacramento District
Delta Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: William.H.Guthrie@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant's agent Gilbert Labrie, DCC Engineering Co. Inc., (916) 776-2277 or the Corps' project manager William Guthrie, (916) 557-5269, William.H.Guthrie@usace.army.mil.

Attachments: 6 drawings